

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE EASTERN DISTRICT OF TENNESSEE**  
**AT KNOXVILLE**

INSTALLED BUILDING PRODUCTS, LLC, )  
Plaintiff, )  
v. ) Case No. 3:06-CV-05  
MICHAEL DREIER, et al., ) Phillips/Guyton  
Defendants. )

**ORDER**

This matter is before the Court upon motion of defendants, Michael Dreier and Robert Dreier, to dismiss for lack of jurisdiction [Doc. 84], counter-defendant Stan Sparling's motion to amend the scheduling order [Doc. 88], and plaintiff's motion to strike or summarily deny defendants' motion or, in the alternative, to extend the time to respond [Doc. 89]. As to defendants' motion to dismiss, said motion [Doc. 84] is **DENIED as untimely**. The subject motion was filed 90 days before trial. In accordance with the scheduling order, dispositive motions are to be filed 120 days before trial. If more time is needed, defendants may file a motion to continue the trial date.

As to the motion to amend the scheduling order to permit Mr. Sparling to file a dispositive motion following the continuation of defendant Michael Dreier's deposition, said motion [Doc. 88] is **DENIED**. The trial date in this matter is March 26, 2007. A dispositive motion filed by January 31, 2007 would not leave the Court adequate time to consider the

dispositive motion. If additional time is needed, Mr. Sparling may file a motion to continue the trial date.

As to plaintiff's motion to strike or summarily deny defendants' motions or, in the alternative, to extend time to respond [Doc. 89], the Court has previously referred defendants' motions to exclude the testimony of Ferrell [sic] Shiver and Paul Dopp to Magistrate Judge H. Bruce Guyton for report and recommendation or order, as may be appropriate. Further, since defendants' motion to dismiss is denied as untimely, as stated herein, the remaining requested relief is **DENIED as moot**.

**IT IS SO ORDERED.**

**ENTER:**

s/ Thomas W. Phillips  
United States District Judge